

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

FRANCISCO SANTOS,

Plaintiff,

9:19-cv-1610 (BKS/TWD)

v.

B. SCHROEDER, et al.,

Defendants.

Appearances:

Plaintiff pro se:

Francisco Santos
13-A-0532
Wende Correctional Facility
P.O. Box 1187
Alden, NY 14004

For Defendants:

Letitia James
Attorney General of the State of New York
Nicholas W. Dorando
Assistant Attorney General, of Counsel
The Capitol
Albany, NY 12224

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Francisco Santos commenced this civil rights action asserting claims under 42 U.S.C. § 1983 arising out of his incarceration. (Dkt. Nos. 1, 51). On February 21, 2023, Defendants filed a motion for summary judgment under Federal Rule of Civil Procedure 56 seeking dismissal of Plaintiff's claims. (Dkt. No. 99). On August 9, 2023, Plaintiff filed a response, (Dkt. No. 109), and a reply was filed on August 16, 2023, (Dkt. No. 111). This matter was referred to United States Magistrate Judge Thérèse Wiley Dancks who, on August 22, 2023,

issued a Report-Recommendation recommending that Defendants' motion for summary judgment be granted. (Dkt. No. 112). Magistrate Judge Dancks advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report-Recommendation and that failure to do so within fourteen days would preclude appellate review. (*Id.*, at 20).

On August 30, 2023, Plaintiff requested an extension of the deadline to file objections, and the Court granted his request in part, extending the deadline until September 18, 2023. (Dkt. Nos. 113–14). Plaintiff did not file objections to the Report-Recommendation. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation, (Dkt. No. 112), is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 99) is **GRANTED**; and it is further


ORDERED that the Amended Complaint (Dkt. No. 51) is **DISMISSED**; and it is further

ORDERED that the Clerk of the Court is directed to close this case; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: September 27, 2023
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge